

PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Division of Electrical
(Amendment)

815 KAR 35:020. Electrical inspections.

RELATES TO: KRS 198B.050, 211.350, 227.460, 227.480, 227.487, 227.491

STATUTORY AUTHORITY: KRS 198B.060(18), 227.480(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 227.480(1)(b) requires the Department of Housing, Buildings and Construction to promulgate administrative regulations to describe the circumstances for which inspections are required for electrical construction, installations, alterations, or repairs. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions it performs pursuant to KRS Chapter 198B. This administrative regulation establishes the requirements for inspections of electrical construction, installations, alterations, and repairs.

Section 1. Jurisdiction. (1) State jurisdiction.

(a) The department shall conduct electrical inspections for state-owned property, including each building constructed by the state under the authority of the Finance and Administration Cabinet.

(b) An electrical inspector employed by the department shall inspect any electrical work subject to inspection within a local jurisdiction if a certified electrical inspector has not been made available by the local government.

(c) An electrical inspector employed by the department may assert jurisdiction for the electrical inspection of a project subject to state plan review pursuant to Kentucky Building Code, 815 KAR 7:120.

(d) An electrical inspector employed by the department may inspect a state leased facility that is not otherwise subject to state inspection pursuant to this section, upon request.

(2) Local jurisdiction. A local electrical inspector shall conduct electrical inspections pursuant to KRS 198B.060.

Section 2. Permits. (1) Prior to the commencement of electrical work subject to state inspection, the electrical contractor, property owner, or other person responsible for the electrical work to be performed shall request and obtain a permit from the department.

(2) The person requesting a permit shall submit to the department "Electrical Permit Application" on Form EL-13.

(3) It shall be the obligation of the contractor, property owner, or other person responsible for the electrical work to supply the complete value of the electrical work, including labor and material costs, regardless of the purchaser.

(4) The department shall request other documented proof of costs from the responsible person or owner if the true value is in question.

Section 3. Electrical Inspections. (1) Except as provided in subsection (2) of this section, the department or a local certified electrical inspector having jurisdiction shall inspect each electrical construction, installation, alteration, or repair to ensure compliance with NFPA 70, the National Electrical Code, incorporated by reference in 815 KAR 7:120, Kentucky Building Code, 815 KAR 7:125, Kentucky Residential Code, and 815 KAR 10:060, Kentucky Standards of Safety.

- (2) Exemptions from Electrical Inspections. Electrical inspections shall not be required for:
- (a) Electrical work beyond the scope of NFPA 70;
 - (b) Electrical work that is exempt from permitting requirements pursuant to:
 - 1. Section 105.2 of the Kentucky Building Code, 815 KAR 7:120;
 - 2. Section 2703.2 of the Kentucky Building Code, 815 KAR 7:120; or
 - 3. Section R105.2 of the Kentucky Residential Code, 815 KAR 7:125;
 - (c) Electrical wiring under the exclusive control of electric utilities, in accordance with KRS 227.460;
 - (d) Electrical wiring of a surface coal mine, an underground coal mine, or at a coal preparation plant; ~~and~~
 - (e) Appliances~~[-]~~; and
 - (f) Electrical work performed beyond the service disconnect by or on behalf of the Kentucky Transportation Cabinet by pre-qualified contractors within the public right of way, which is not related to buildings for human occupancy.
- (3) The department or a local electrical inspector having jurisdiction shall perform an electrical inspection upon discovery or receipt of information indicating that electrical work requiring a permit pursuant to KRS 227.480, 815 KAR 7:120, Kentucky Building Code, or 815 KAR 7:125, Kentucky Residential Code has been performed without a permit.
- (4) Inspection scheduling.
- (a) The permit holder or property owner shall be responsible for scheduling an inspection with the electrical inspection authority for the jurisdiction.
 - (b) Each electrical inspection shall be completed within five (5) working days of the request for inspection, except for an inspection performed pursuant to subsection (3) of this section.
 - (c) An inspection performed pursuant to subsection (3) of this section shall be conducted and completed within five (5) working days of discovery or receipt of information indicating that the electrical work has been performed.
- (5) Rough-in inspections.
- (a) Rough-in inspections shall be required only if any portion of the electrical work will be covered or concealed. The rough-in inspection shall be conducted prior to covering or concealment.
 - (b) A rough-in inspection may be requested for part of the electrical work on a project or all the electrical work on a project.
 - (c) Upon completion of the rough-in inspection, an electrical inspector shall attach a red sticker with his or her signature and certification number on the main service equipment or at some other appropriate location.
- (6) Prohibition on covering. (a) If an installation is covered without prior inspection, the electrical inspector shall require the system to be uncovered for inspection, unless unnecessary to perform the inspection.
- (b) If conditions require partial coverage of the permitted electrical work, permission shall be requested and received from the electrical inspector prior to coverage.
 - (c) If in the judgment of the electrical inspector uncovering the electrical work is likely to result in more damage, then exposing the electrical work shall only occur at the request of the property owner.
- (7) Final inspections. A final inspection shall be conducted by the department or electrical inspector having jurisdiction after completion of the permitted electrical work and prior to use.
- (8) Voluntary inspections. An inspection for any electrical construction, installation, alteration, repair, or maintenance normally exempt from inspections pursuant to subsection (2) of this section may be requested to be performed by the department or electrical inspector having jurisdiction.

(9) Construction service approval. A temporary construction service approval for a construction site shall receive a green sticker and a certificate of approval.

(10) Service only approval. A "service only" approval may be issued by the inspector to provide temporary power for heating and lighting for the building during completion of construction and shall not authorize occupancy of the facility. The sticker issued for "service only" approval shall be yellow.

Section 4. Access. All access, equipment, and material necessary for inspections shall be provided by the property owner or person obtaining the electrical permit or requesting the electrical inspection.

Section 5. Fees for State Inspections. (1) The electrical contractor, property owner, or other person responsible for the electrical work shall pay the department the inspection fee required by this section.

(2) A certificate of inspection or other final approval of an electrical construction, installation, alteration, or repair shall not be issued by the department until the fee required by this subsection has been paid.

(3) The fee to inspect electrical work having a complete value of less than \$8,000 shall be \$125.

(4) The fee to inspect electrical work having a complete value more than \$8,000 but less than \$16,500 shall be \$250.

(5) The fee to inspect electrical work having a complete value more than \$16,500 but less than \$25,000 shall be \$500.

(6) The fee to inspect electrical work having a complete value of \$25,000 or more shall be calculated as a percentage of the complete value in accordance with the schedule established in this subsection.

Amount in dollars		Permit fee
\$25,000	to	2.0%
\$199,999		
\$200,000	to	1.9%
\$299,999		
\$300,000	to	1.5%
\$499,999		
\$500,000	to	1.3%
\$699,999		
\$700,000	to	1.1%
\$999,999		
\$1,000,000	&	1.0%
Higher		

Section 6. Certificate of Approval. (1) Upon final approval of an electrical installation, the electrical inspector shall:

(a) Attach a green sticker to the main service equipment:

1. With his or her signature and certification number, name of the project, and location; and
2. Stating that the system has been inspected for compliance with the code; and

(b) Provide the owner or the owner's agent with a certificate of approval.

(2) For an installation subject to KRS 211.350, the electrical inspector shall not issue a certificate of approval or otherwise release the property for the supply of electricity until he or she

has received the local health department's "Final Notice of Release" and has recorded its number upon the certificate of approval.

Section 7. Stickers. A red sticker for rough-in inspections pursuant to Section 3(5)(b), yellow sticker for service only pursuant to Section 3(9)(b), or green sticker or a certificate of approval pursuant to Section 6(1)(a) of this administrative regulation shall be of a type and format issued or approved by the department.

Section 8. Incorporation by Reference. (1) "Electrical Permit Application", Form EL-13, May 2020 is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Electrical Section, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at <http://dhbc.ky.gov/Pages/default.aspx>. 815 KAR 35:020:

RAY PERRY, Secretary

RICK W. RAND, Commissioner

APPROVED BY AGENCY: September 3, 2021

FILED WITH LRC: October 14, 2021 at 12:20 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2022 at 10:00 a.m., eastern time, in the Department of Housing, Buildings and Construction, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interest in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2021 at 11:59 p.m., eastern time. Send written notification of the intent to be head at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person below:

CONTACT PERSON: Benjamin Siegel, General Counsel, Department of Housing, Buildings and Construction, 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601, phone (502) 782-0604, fax (502) 573-1057, email benjamin.siegel@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Benjamin Siegel

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for inspections of electrical construction, installations, alterations, and repairs.

(b) The necessity of this administrative regulation: KRS 227.480(1)(b) requires the Department of Housing, Buildings and Construction to promulgate administrative regulations to describe the circumstances for which inspections are required for electrical construction, installations, alterations, or repairs.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions it performs pursuant to KRS Chapter 198B. KRS 227.480(1)(b) requires the Department of

Housing, Buildings and Construction to promulgate administrative regulations to describe the circumstances for which inspections are required for electrical construction, installations, alterations, or repairs.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the schedule of fees for the functions the Department of Housing, Buildings & Construction performs pursuant to KRS Chapter 198B, and establishes the requirements for inspections of electrical construction, installations, alterations, and repairs.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment adds an exemption from electrical inspections to electrical work performed beyond the service disconnect by or on behalf of the Kentucky Transportation Cabinet by pre-qualified contractors within the public right of way, which is not related to buildings for human occupancy.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to add the above-detailed exemption and prevent duplicative inspections. The Kentucky Transportation Cabinet Division of Traffic Operations employs a Kentucky-licensed professional electrical engineer as well as a qualified electrical worker inspection staff who have been trained in the installation and operation of electrical devices and components and who ensure that the type of equipment covered by this exception is installed in accordance with KYTC standards and specifications in support of public safety. All electrical construction work performed on behalf of the Cabinet is conducted by a prequalified electrical contractor in accordance with the attached memorandum.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 227.480(1)(b) requires the Department of Housing, Buildings and Construction to promulgate administrative regulations to describe the circumstances for which inspections are required for electrical construction, installations, alterations, or repairs. This amendment provides clarity as to what kind of inspections are exempt from electrical inspections.

(d) How the amendment will assist in the effective administration of the statutes: This amendment makes clear what type of Kentucky transportation Cabinet electrical projects are exempt from Department of Housing, Buildings & Construction electrical inspections.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All electrical work performed beyond the service disconnect by or on behalf of the Kentucky Transportation Cabinet by pre-qualified contractors within the public right of way, which is not related to buildings for human occupancy will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in Question (3) will have to take to comply with this administrative regulation or amendment: The Kentucky Transportation Cabinet will no longer need to have the above described projects inspected or permitted through the Department of Housing, Buildings & Construction.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost associated with complying with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): By exempting the Kentucky Transportation Cabinet from these electrical inspections, duplicative electrical inspections will be prevented and Kentucky Transportation Cabinet projects

meeting the criteria described in the amendment will not be delayed by the regular permitting and inspection process.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There are no anticipated additional costs to implement this administrative regulation initially.

(b) On a continuing basis: There is no ongoing cost associated with the implementation of this administrative regulation on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Implementation of this amendment is anticipated to result in no additional costs to the department. Any cost resulting from this amendment will be met with existing agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This amendment will not necessitate an increase in fees or require funding from the department for implementation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: There are no fees directly or indirectly increased by this amendment.

(9) TIERING: Is tiering applied? Tiering is not applied as all regulated entities are subject to the same amended requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Housing, Buildings and Construction, Electrical Division and the Kentucky Transportation Cabinet will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 227.480(1)(b) requires the Department of Housing, Buildings and Construction to promulgate administrative regulations to describe the circumstances for which inspections are required for electrical construction, installations, alterations, or repairs. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions it performs pursuant to KRS Chapter 198B.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment is not anticipated to generate additional revenue for the state or local government for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment is not anticipated to generate additional revenue for the state or local government for subsequent years.

(c) How much will it cost to administer this program for the first year? There are no anticipated additional costs to administer this regulatory amendment for the first year.

(d) How much will it cost to administer this program for subsequent years? There are no additional costs to administer this regulatory amendment for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None